

04-CV-02177-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ERIC WESTMAN,

Petitioner,

v.

JOSEPH LEHMAN, et. al.,

Respondents.

No. C04-2177-TSZ

ORDER DENYING  
HABEAS CORPUS  
PETITION

The Court, having reviewed the Petition for Writ of Habeas Corpus, Respondent's Answer, Petitioner's Reply, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's Petition for Writ of Habeas Corpus (Dkt. #1) is DENIED; and this matter is DISMISSED with prejudice. Petitioner's Motion for Summary Judgment (Dkt. # 12) is STRICKEN as moot.
- (3) The Clerk is directed to send copies of this Order to counsel for each party and to the Honorable Monica J. Benton.

DATED this 29<sup>th</sup> day of AUGUST, 2005.

  
THOMAS S. ZILLY  
United States District Court Judge